

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

DUNN & CAGE REAL ESTATE SERVICES, INC.
AND WILLIE JAMES DUNN, DESIGNATED
BROKER AND OWNER

Respondents.

NO. C-04-146-05-FO01

FINAL ORDER

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.440(2). On July 30, 2004, the Director through her designee Consumer Services Division Director and Enforcement Chief Chuck Cross, entered a Statement of Charges and Notice of Intention to Enter an Order to Revoke License and Prohibit from Participation in the Industry (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated August 2, 2004, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Dunn & Cage Real Estate Services, Inc. ("Dunn & Cage") and Willie James Dunn, the owner and designated broker of Dunn & Cage. The Department of Financial Institutions of the State of Washington (Department) served the Statement of Charges, cover letter dated August 2, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Dunn & Cage and Willie James Dunn on Respondents by Federal Express on August 3, 2004. On August 18, 2004, Respondent Dunn replied by letter to the Department claiming that his license had been put "on hold" by his attorney. On August 20, 2004, the

1 Department answered Mr. Dunn explaining his need to request a hearing to assert his defenses. On
2 September 7, 2004, Respondent Willie James Dunn filed an application for adjudicative hearing.
3 On September 14, 2004, the Department made a request to the Office of Administrative Hearings
4 (“OAH”) to assign an Administrative Law judge to schedule and conduct a hearing on the Statement of
5 Charges. On October 12, 2004, the Office of Administrative Hearings issued an Order for Telephonic
6 Prehearing Conference for a prehearing conference on Tuesday, November 2, 2004, at 1:00 p.m. That
7 Order contained an instruction to the parties as follows: **The parties shall notify the Office of**
8 **Administrative Hearings with an appropriate telephone number where they can be reached for the**
9 **conference.** On October 12, 2004, OAH sent notice of the November 2, 2004, prehearing conference to
10 the address in Respondent’s Application for Adjudicative Hearing.
11 On November 2, 2004, the prehearing conference was convened by ALJ Neil Gorrell. Respondent Willie
12 James Dunn failed to appear or to provide the Office of Administrative Hearings with a viable telephone
13 number where he could be reached for the prehearing conference. ALJ Gorrell attempted to contact Mr.
14 Dunn but received only a recorded message that the number was disconnected or no longer in service.
15 The Department moved for an order of default based upon the Respondent’s failure to appear. ALJ
16 Gorrell issued an Order of Default and ordered that the Department’s Statement of Charges be affirmed.
17 On November 4, 2004, OAH sent the Order of Default to the address in Respondent’s Application for
18 Adjudicative Hearing.
19 Under RCW 34.05.440(3) Respondent had seven days from the date the order was mailed to request the
20 Order of Default be vacated. Respondent did not make a request to vacate during the statutory period.

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22 B. Record Presented. The record presented to the Director for her review and for entry of
23 a final decision included the following:
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25 1. Statement of Charges, and cover letter dated August 2, 2004

2. Notice of Opportunity to Defend and Opportunity for Hearing
3. Documentation of service for Statement of Charges, Notice of Opportunity to Defend and Opportunity for Hearing and cover letter.
4. Correspondence between Willie Dunn and the Department (letters dated August 17, 2004 and August 20, 2004)
5. Applications for Adjudicative Hearing from Willie James Dunn, Owner and Designated Broker
6. Request to OAH for Assignment of Administrative Law Judge
7. Order for Telephonic Prehearing Conference with documentation of service
8. Order of Default with documentation of service

C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(2), the Director hereby adopts the Statement of Charges, which is attached hereto.

II. FINAL ORDER

Based upon the foregoing, and the Director having considered the record and being otherwise fully advised, NOW, THEREFORE:

A. IT IS HEREBY ORDERED, That:

1. Respondent Dunn & Cage's license to conduct the business of a Mortgage Broker is revoked; and
2. Respondent Willie J. Dunn is prohibited from participation in the conduct of the affairs of any licensed mortgage broker, in any manner, for a period of five (5) years; and
3. Respondents maintain records in compliance with the Act and immediately provide the Department with the location of the books, records and other information relating to Respondent Dunn & Cage's mortgage broker business, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be

1 filed in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road
2 SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200,
3 within ten (10) days of service of the Final Order upon Respondents. The Petition for Reconsideration shall
4 not stay the effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking judicial
5 review in this matter.

6 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the
7 petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice
8 specifying the date by which it will act on a petition.

9 C. Stay of Order. The Director has determined not to consider a Petition to Stay the
10 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial
11 Review made under chapter 34.05 RCW and RCW 34.05.550.

12 D. Judicial Review. Respondents have the right to petition the superior court for judicial
13 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a
14 Petition for Judicial Review, see RCW 34.050.510 and sections following.

15 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial
16 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

17 DATED this 1st day of March, 2005.

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19 STATE OF WASHINGTON
20 DEPARTMENT OF FINANCIAL INSTITUTIONS

21 /S/
22 Gloria Papiez
23 Acting Director
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